

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EUGENE EDWARD JUNG,

Defendant.

Case No. 18-cr-00482-VC-1

**ORDER DENYING MOTION TO
SUPPRESS**

Re: Dkt. No. 19

The motion to suppress is denied.

1. Jung contends that the government's use of software to analyze the bitcoin ledger that's already published on the internet constitutes a search. That is incorrect. In his motion, Jung does not contend that the government used the software to actually acquire information that was not present on the publicly-available bitcoin ledger; he contends merely that the software used additional information, which the government had obtained through means that Jung does not challenge, to analyze the ledger and draw conclusions about transactions recorded on the ledger. Even if the software allowed the government to draw conclusions that could not have been drawn using only the naked eye (or conclusions that could not have been drawn nearly as quickly), that's not a search. *United States v. Borowy*, 595 F.3d 1045, 1048 (9th Cir. 2010); *United States v. Martinez*, 2013 WL 12124429, at *2-3 (E.D. Wash. June 20, 2013), *aff'd*, 588 F. App'x 741 (9th Cir. 2014).

2. Jung also contends that after the government identified unique bitcoin addresses related to the child porn website it was investigating, it violated the Fourth Amendment by serving Coinbase with a subpoena for the account information of the people who transacted with those addresses. But the third-party doctrine applies here, which precludes Jung from contending

that his Fourth Amendment rights were violated by the subpoena. *See United States v. Miller*, 425 U.S. 435, 442 (1976); *United States v. Cormier*, 220 F.3d 1103, 1108 (9th Cir. 2000); *see also United States v. Hood*, 920 F.3d 87, 92 (1st Cir. 2019). Jung relies on *Carpenter v. United States*, but if anything that case confirms that the third-party doctrine continues to apply in a case like this involving bank records. 138 S. Ct. 2206, 2219-20 (2018).

3. If Jung had contended that the software gave the government the ability to do something more than analyze the publicly-available bitcoin ledger using information it had separately obtained about addresses on that ledger, perhaps an evidentiary hearing would be warranted. But in light of Jung's arguments in his motion to suppress, it is not.

Dated: September 5, 2019



VINCE CHHABRIA
United States District Judge